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David Saliwanchik
David R. Saliwanchik, Patent Attorney



INFORMATION DISCLOSURE
STATEMENT COMMUNICATION
Patent Application
Docket No. SPO-111D1
Serial No. 10/641,728

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shinya Ikematsu, Yoshihiro Yoshida, Kenji Kadomatsu, Munehiro Oda, Sadatoshi Sakuma, Kin-ya Ashida, Kohsuke Kino, and Takashi Muramatsu.
Serial No. : 10/641,728
Filed : August 15, 2003
For : Therapeutic Agents for Apoptosis-related Diseases

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

COMMUNICATION REGARDING
INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§1.97 AND 1.98

Sir:

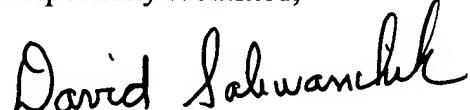
The applicants submitted an Information Disclosure Statement and Form PTO/SB/08A on September 11, 2003 for the subject application. The applicants are herewith attaching a corrected Form PTO/SB/08A. The corrections that have been made to the PTO/SB/08A form are as follows:

- 1) The items listed in the Foreign Patent Documents section have been corrected to include the "Publication Date" instead of the "Filing Date"; and
- 2) On page 2, the Allen, R.T. *et al.* reference has been corrected to indicate the correct page numbers.

The subject application, Serial No. 10/641,728 claims the benefit under 35 USC §120 of the filing date of U.S. Serial No. 09/743,493, now abandoned. The applicants respectfully request that the copies of references supplied in the Information Disclosure Statements of the parent case (09/743,493), as well as the references cited during prosecution thereof, be made of record in the 10/641,728 application. As copies of all of the references filed in the parent application, and cited on the attached form PTO/SB/08, will be found in the parent casenfile, copies of those references are not provided herewith.

The applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statement.

Respectfully submitted,



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DRS/la

Attachment: Form PTO/SB/08



PTO/SB/08B (10-01)

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Sheet

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of

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Complete if Known

Application Number	10/641,728
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First Named Inventor	Shinya Ikematsu
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NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
R1	ALLEN, R.T. et al. "Mechanisms Controlling Cellular Suicide: Role of Bcl-2 and Caspases" <i>Cellular and Molecular Life Science</i> , May 1998, pp. 427-445, Vol. 54, No. 5.	T ²
R2	BORK "Powers and Pitfalls in Sequence Analysis: The 70% Hurdle" <i>Genome Research</i> , 2000, pp. 398-400, Vol. 10.	
R3	BOWIE et al. "Deciphering the Message in Protein Sequences: Tolerance to Amino Acid Substitutions" <i>Science</i> , 1990, pp. 1306-1310, Vol. 247.	
R4	BURGESS et al. "Possible Dissociation of the Heparin-Binding and Mitogenic Activities of Heparin-Binding (Acidic Fibroblast) Growth Factor-1 from its Receptor-Binding Activities by Site-Directed Mutagenesis of a Single Lysine Residue" <i>J. of Cell Bio.</i> , 1990, pp. 2129-2138, Vol. 111.	
R5	CHARRIAUT-MARLANGUE, C. et al. "Apoptosis and Necrosis After Reversible Focal Ischemia: An In Situ DNA Fragmentation Analysis" <i>J Cereb Blood Flow Metab.</i> , 1996, pp. 186-194, Vol. 16, No. 2.	
R6	COLBOURNE, F. et al. "Electron Microscopic Evidence against Apoptosis as the Mechanisms of Neuronal Death in Global Ischemia" <i>The Journal of Neuroscience</i> , June 1, 1999, pp.4200-4210, Vol. 19, No. 11.	
R7	DU et al.) "Very Delayed Infarction After Mild Focal Cerebral Ischemia: A Role for Apoptosis?" <i>Journal of Cerebral Blood Flow and Metabolism</i> , 1996, pp. 195-201, Vol. 16, No.2.	
R8	GRANERUS, C. et al. "Growth Factors and Apoptosis" <i>Cell Proliferation</i> , 1996, pp. 309-314, Vol. 29, No. 6.	
R9	GUNJI et al. "Induction of Internucleosomal DNA Fragmentation in Human Myeloid Leukemia Cells by 1-β-D-Arabinofuranosylcytosine" <i>Cancer Research</i> , January 15, 1991, pp. 741-743, Vol. 51,	
R10	ISHIMARU et al. "NGF Delays Rather than Prevents the Cholinergic Terminal Damage Ad Delayed Neuronal Death in the Hippocampus After Ischemia" <i>Brain Research</i> , 1998, pp. 194-200k, Vol. 789.	
R11	ISLAM et al. "Detection of DNA Damage Induced by Apoptosis in the Rat Brain Following Incomplete Ischemia" <i>Neuroscience Letters</i> , 1995, pp. 159-162, Vol. 188.	
R12	JACKOWSKI "Neural Injury Repair: Hope for the Future as Barriers to Effective CNS Regeneration Become Clearer" <i>British J. Neurosurgery</i> , 1995, pp. 303-317, Vol. 9.	
R13	KADOMATSU et al. "cDNA Cloning and Sequencing of a New Gene Intensely Expressed in Early Differentiation Stages of Embryonal Carcinoma Cells and In Mid-Gestation Period of Mouse Embryogenesis" <i>Biochemical and Biophysical Research Communications</i> , March 30, 1988, pp. 1312-1318. Vol. 151, No. 3.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet

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NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	R14	KAUFMANN, S.H. "Induction of Endonucleolytic DNA Cleavage in Human Acute Myelogenous Leukemia Cells by Etoposide, Camptothecin, and Other Cytotoxic Anticancer Drugs: A Cautionary Note" <i>Cancer Research</i> , November 1, 1989, pp. 5870-5878, Vol. 49.
	R15	KERR "Apoptosis: A Basic Biological Phenomenon with Wide-Ranging Implications in Tissue Kinetics" <i>Br. J. Cancer</i> , 1972, pp. 239-257, Vol. 26.
	R16	KUO "Amino Acid Sequence and Characterization of a Heparin-binding Neurite-promoting Factor (p18) from Bovine Brain" <i>Journal of Biological Chemistry</i> , November 5, 1990, pp. 18749-18752, Vol. 265, No. 31.
	R17	KURTZ <i>et al.</i> "Pleiotrophin an Midkine in Normal Development and Tumor Biology" <i>Critical Reviews in Oncogenesis</i> , 1995, pp. 151-177, Vol. 62, No. 2.
	R18	LAZAR <i>et al.</i> "Transforming Growth Factor Alpha: Mutation of Aspartic Acid 47 and Leucine 48 Results in Different Biological Activities" <i>Molecular and Cellular Biology</i> , 1988, pp. 1247-1252, Vol. 8.
	R19	LI <i>et al.</i> "Temporal Profile of In Situ DNA Fragmentation After Transient Middle Cerebral Artery Occlusion in the Rat" <i>Journal of Cerebral Blood Flow and Metabolism</i> , 1995, pp. 389-397, No. 15.
	R20	LI <i>et al.</i> "Cloning and Expression of a Developmentally Regulated Protein That Induces Mitogenic and Neurite Outgrowth Activity" <i>Science</i> , December 21, 1990, pp. 1690-1694, Vol. 250.
	R21	LINNIK, M. D., <i>et al.</i> "Apoptotic DNA Fragmentation in the Rat Cerebral Cortex Induced by Permanent Middle Cerebral Artery Occlusion" <i>Molecular Brain Research</i> , 1995, pp. 116-124, Vol. 32.
	R22	LINNIK, M. D. <i>et al.</i> "Evidence Supporting a Role for Programmed Cell Death in Focal Cerebral Ischemia in Rats" <i>Stroke</i> , December 1993, pp. 2002-2009, Vol. 24, No. 12.
	R23	MICHIKAWA, M. <i>et al.</i> "Retinoic Acid Responsive Gene Product, Midkine, Has Neurotrophic Functions for Mouse Spinal Cord and Dorsal Root Ganglion Neurons in Culture" <i>Journal of Neuroscience Research</i> , 1993, pp. 530-539, Vol. 35.
	R24	MURAMATSU <i>et al.</i> "Localization of Heparin-binding, Neurite Outgrowth and Antigenic Regions in Midkine Molecule" <i>Biochemical and Biophysical Research Communications</i> , September 15, 1994, pp. 1131-1139, Vol. 203, No. 2.
	R25	MURAMATSU "The Midkine Family of Growth/Differentiation Factors" <i>Develop. Growth & Differ.</i> , 1994, pp. 1-8, Vol. 36, No. 1.
	R26	NAKATA <i>et al.</i> "Protective Effects of Basic Fibroblast Growth Factor Against Hippocampal Neuronal Damage Following Cerebral Ischemia In the Gerbil" <i>Brain Research</i> , 1993, pp. 354-356, Vol. 605.

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	R27	NELSON <i>et al.</i> "Formation of Synapses Between Cells of a Neuroblastoma X Glioma Hybrid Clone and Mouse Myotubes" <i>Brain Research</i> , 1978, pp. 245-259, Vol. 147.	
	R28	RAUVALA <i>et al.</i> "An 18-kd Heparin-Binding Protein of Developing Brain that is Distinct from Fibroblast Growth Factors" <i>The EMBO Journal</i> , 1989, pp. 2933-2941, Vol. 8, No. 10.	
	R29	SCOTT <i>et al.</i> "The Pendred Syndrome Gene Encodes a Chloride-Iodide Transport Protein" <i>Nature Genetics</i> , 1999, pp. 440-443, Vol. 21.	
	R30	SHIGENO <i>et al.</i> "Amelioration of Delayed Neuronal Death in the Hippocampus by Nerve Growth Factor" <i>The Journal of Neuroscience</i> , September 1991, pp. 2914-2919, Vol. 11, No. 9.	
	R31	SORIANO <i>et al.</i> "Apoptosis and c-Jun in the Thalamus of the Rat Following Cortical Infarction" <i>Neuro Report</i> , January 13, 1996, pp. 425-428, Vol. 7, No. 2.	
	R32	THOMPSON "Apoptosis in the Pathogenesis and Treatment of Diseases" <i>Science</i> , March 10, 1995, pp. 1456-1462, Vol. 267.	
	R33	TOMOMURA <i>et al.</i> "A Retinoic Acid-responsive Gene, MK, Found in the Teratocarcinoma System" <i>The Journal of Biological Chemistry</i> , June 25, 1990, pp. 10765-10770, Vol. 265, No. 18.	
	R34	TSUJIMOTO <i>et al.</i> "Cloning of the Chromosome Breakpoint of Neoplastic B Cells with the t(14;18) Chromosome Translocation" <i>Science</i> , November 1984, pp. 1097-1099, No. 226.	
	R35	TSUTSUMI <i>et al.</i> "Polyethylene Glycol Modification of Interleukin-6 Enhances its Thrombopoietic Activity" <i>Journal of Controlled Release</i> , 1995, pp. 447-451, Vol. 33.	
	R36	TSUTSUMI, Y. <i>et al.</i> "Molecular Design of Hybrid Tumour Necrosis Factor- II: The Molecular Size of Polyethylene Glycol-Modified Tumour Necrosis Factor- Affects its Anti-Tumour Potency" <i>British Journal of Cancer</i> , 1996, pp. 1090-1095, Vol. 74.	
	R37	TSUTSUI <i>et al.</i> "A New Family of Heparin-Binding Factors: Strong Conservation of Midkine (MK) Sequences Between the Human and the Mouse" <i>Biochemical and Biophysical Research Communications</i> , April 30, 1991, pp. 792-797, Vol. 176, No. 2.	
	R38	VAUX <i>et al.</i> "Bcl-2 Gene Promotes Haemopoietic Cell Survival and Cooperates with C-MYC to Immortalize Pre-B Cells" <i>Nature</i> , September 1988, pp. 440-442, Vol. 335.	
	R39	WELLSTEIN <i>et al.</i> "A Heparin-binding Growth Factor Secreted from Breast Cancer Cells Homologous to a Developmentally Regulated Cytokine" <i>The Journal of Biological Chemistry</i> , February 5, 1992, pp. 2582-2587, Vol. 267, No. 4.	

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Sheet	1	of	4	Filing Date	August 15, 2003
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				Art Unit	
				Examiner Name	
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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
U1		6,083,907	07-04-2000	Uchida et al.	All
U2					
U3					
U4					
U5					

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)			
F1	EP	0 781 844 A1	07-02-1997	Otsuka Pharmaceutical Co. Ltd.	All
F2	EP	0 937 461 A1	08-25-1999	Meiji Milk Products Co. Ltd.	All
F3	WO	94/27426 A1	12-08-1994	La Jolla Cancer Research Foundation	All
F4	WO	95/03054 A1	02-02-1995	LXR Biotechnology Inc.	All
F5	WO	95/10540 A1	04-20-1995	Immunex Corporation	All
F6	WO	95/13701 A1	05-26-1995	LXR Biotechnology Inc.	All
F7					
F8					
F9					

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